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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,462	09/29/2006	Gheorghe Sorin Stan	NL 040330	9390

24737 7590 04/02/2009

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EXAMINER	
ORTIZ CRIADO, JORGE L	
ART UNIT	**PAPER NUMBER**
2627	
MAIL DATE	**DELIVERY MODE**
04/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,462	STAN, GHEORGHE SORIN	
	Examiner	Art Unit	
	JORGE L. ORTIZ CRIADO	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01/07/2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-17* is/are allowed.

6)☒ Claim(s) *1-7 and 10-13* is/are rejected.

7)☒ Claim(s) *8-9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 01/07/2009 have been fully considered but they are not persuasive.

Applicant argues that Kono does not disclose "determining if each of two or more axial focus displacement indicators indicates that an axial focus displacement even has occurred, otherwise determining that the axial focus displacement has not occurred".

The examiner cannot concur with the Applicant, because Kono does in fact discloses determining if **each of** two or more axial focus displacement indicators indicates that an axial focus displacement even has occurred, otherwise determining that the axial focus displacement has not occurred as claimed. The claim only requires "one" as in the alternative provided with the claim language "**each of**", different from claim 4, where at least two are required, which the differences would otherwise be obvious as outlined in the instant office action.

Furthermore, Applicant admits, in page 15 or remarks, that Kono does teaches having two signal being monitored by saying "*Accordingly, Kono **teaches** that in response to **any signal** indicative of axial focus displacement event, the light intensity is reduced".*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kono EP 1154412.

As per claim 1, Kono discloses a method of writing information in a storage layer of a multi-layer optical storage medium comprising two or more storage layers, the method comprising acts of: determining if each of two or more axial focus displacement indicators indicate that an axial focus displacement event has occurred, otherwise determining that the axial focus displacement has not occurred; and

inhibiting the writing process in case of an axial focus displacement event occurrence (as performed by focus monitor 16; [0026]; [0033]).

As per claim 2, Kono discloses a medium access device capable of writing information in a storage layer of a multi-layer optical storage medium comprising two or more storage layers; the medium access device comprising: light beam generating means for generating a write light beam; focusing means (8) for focusing the write light beam in a focal spot at a target storage layer; write inhibit means (16) for inhibiting a writing process only if each of two or more axial focus displacement event has occurred (see [0026]; [0033]).

As per claim 3, Kono discloses further comprising a driver circuit (4) for driving the light beam generating means in accordance with a data signal representing data to be written, the driver circuit having a control input; wherein the write inhibit means (16) have an output coupled to said control input of the driver circuit, the write inhibit means being designed to

generate a command signal for the driver circuit such as to effectively inhibit the driver circuit in case of an axial focus displacement event (see Fig. 2).

As per claim 13, Kono discloses capable of handling at least one of DVD-discs or BD discs.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kono EP 1154412.

As per claim 4, Kono teaches wherein the write inhibit means (16) has at least one input for receiving at least one input signal capable of indicating an axial focus displacement (Fig. 5); the write inhibit means being designed to monitor at least one of its input signals and to inhibit the writing process if at least one of the input signals is indicative of the occurrence of an axial focus displacement event (see Fig. 2).

Furthermore, Kono not only teaches monitor one signal, also teaches for least two or three signals capable of indicating an axial focus displacement, for instance signal as provided to 16 in Fig. 1 and as provided to 17 in Fig. 2.

Kono also provide that is several (two or more) signals can be inputted to a means to so that they are monitored together, for instance, as taught in Fig. 1, means (15/16), teaches at least two inputs, Fig. 3, means 19, has at least two inputs etc.

Although, Kono does not expressly disclose having two inputs to the write inhibit means, from the above teachings, it would have been obvious to one of an ordinary skill in the art at the time of the invention to provide two or three inputs for inputting the signals taught by Kono, and monitor all signals as desired, providing integration and reliability of the access device.

As per claim 5, as outline above, Kono teachings would show wherein the write inhibit means (16) has at least three inputs for receiving at least three different input signals capable of indicating an axial focus displacement; the write inhibit means being designed to monitor at least two (Q1; Q2) of its input signals and to inhibit the writing process if at least two of the input signals are indicative in a correlated way of the occurrence of an axial focus displacement event (See Fig. 5).

As per claim 6, as outline above, Kono teachings would show, having at least two inputs for receiving at least one input signal capable of indicating an axial focus displacement; the write inhibit means being designed to monitor an input signal, to calculate an axial focus displacement (Q) from the input signal, and to decide that the input signal is indicative of an axial focus

displacement event if the calculated axial focus displacement exceeds a predetermined displacement threshold (Th1).

As per claim 7, as outline above, Kono teachings would show wherein the write inhibit means has at least two inputs for receiving at least two input signals capable of indicating an axial focus displacement; the write inhibit means being designed to monitor an input signal, to monitor for the possible occurrence of a predefined characteristic (S signal) feature of the input signal, and to decide that the input signal is indicative of an axial focus displacement event if such characteristic feature occurs (See Figure 5).

As per claim 11, as outline above, Kono teachings further comprising at least one optical detector (7) for receiving light reflected from the storage medium; the write inhibit means (16) being designed to monitor at least one signal derived from at least one detector output signal (see Fig. 1).

As per claim 12, as outline above, Kono teachings the write inhibit means (16) being designed to monitor at least one of a signal corresponding to the reflected central aperture signal obtained from a forward-sense diode of the sensor, or to monitor at least a signal corresponding to the focal error signal (S), or to monitor at least a signal corresponding to the focal error signal integrated with a predetermined time constant (see Fig. 5).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kono EP 1154412 in view of Hayashi et al. US Patent Application Publication 20020101803.

Although Kono does not expressly at least one vibration/acceleration sensor and the write inhibit means being designed to monitor at least an output signal from the at least one vibration/acceleration sensor. It is well known in the art the use of such vibration sensors to monitor vibrations or disturbances in the optical system as to inhibit writing operations in r4esposne to such events, as evidenced by Hayashi et al. (see Fig. 1; #100).

It would have been obvious to one of an ordinary skill in the art to provide a vibration sensor to monitor the same in order to avoid error in the writing operations by interrupting the writing in response to an event of shocks etc. as taught by Hayashi et al.

Allowable Subject Matter

Claims 14-17 are allowed.

Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/
Primary Examiner, Art Unit 2627